

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

P. Cohen

26007

FILE: B-211161**DATE:** August 16, 1983**MATTER OF:** Kilfoyle Metal Building Company**DIGEST:**

Since agency should have rejected protester's proposal because it was submitted after the date specified in the RFP, under GAO Bid Protest Procedures, the protester is not an "interested" party to protest award to another firm.

Kilfoyle Metal Building Company (Kilfoyle) protests the proposed award of a contract to Gulf States/Silver States under request for proposals (RFP) No. MM2-3-SFC-085. The RFP was issued by Hill Air Force Base, Utah (Air Force), and had a closing date of January 24, 1983.

The Air Force received seven timely proposals. Kilfoyle's unsolicited proposal was received at 9:40 a.m. on January 25, 1983. Although Kilfoyle's proposal was late, it was submitted for technical evaluation. The agency should have rejected the protester's proposal because it was received after the date required in the solicitation. Tamar Productions, Inc., B-201622, April 27, 1981, 81-1 CPD 325.

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest allegations. 4 C.F.R. § 21.1(a) (1983). We will not consider a party's interest to be sufficient where that party would not be eligible for award, even if the issues raised were resolved in its favor. Anderson Hickey Company, B-210252, March 8, 1983, 83-1 CPD 235. Since Kilfoyle is not eligible to receive award because of its late proposal, it is not an interested party.

We dismiss the protest.

J. H. Lawley, Jr.
for Harry R. Van Cleve
Acting General Counsel

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